

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 13, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 13, 2007, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: Deputy City Manager Krueger, City Attorney Schwabauer, and City Clerk Johl

B. TOPIC(S)

B-1 "Review Status of Development Code Update"

Deputy City Manager Krueger briefly introduced the subject matter.

Planning Manager Peter Pirnejad provided a PowerPoint presentation (filed) regarding the update of the Development Code. Specific topics of discussion included history of the Code, the need for changes, consultant efforts, previous and remaining processes, and future staff and consultant efforts.

In response to Council Member Hansen, Mr. Pirnejad stated since 1999, the date of the original contract, the consultants reviewed the Code, interviewed staff, reviewed General Plan documentation, reviewed ongoing changes in the law, and started reviewing individual chapters with staff for consistency. He stated the next steps involve public hearings and bringing the matter before the Planning Commission and City Council for consideration.

Community Development Director Hatch provided an overview of the Code development process with the consultants and participation by two former staff members and three existing Planning Commissioners. He stated there is a need for additional part-time contract staff and consultant services to ascertain the background of the draft Code at a cost of approximately \$45,000.

In response to Mayor Johnson, Mr. Hatch stated \$45,000 appears to be in the ballpark amount based on discussions with the proposed contract planner and consultants.

In response to Council Member Hansen, Mr. Hatch stated the current draft Code contains good information and can be built on, which is better than what is currently on the books. Mr. Krueger stated staff wants to ensure that any future money is spent in an efficient and effective manner so that the City can capitalize on what it has already spent.

Council Member Hitchcock stated she is disappointed that the new Code fell between the cracks. She stated she is not in favor of hiring a consultant and prefers the Code be completed by in-house staff. Deputy City Manager Krueger stated resources on staff will be reviewed. Council Member Hitchcock requested a copy of the draft Development Code be provided to Council.

Mayor Pro Tempore Mounce stated she is excited about utilizing the Code for matters regarding the east side of town, mobile vending vehicles, and other issues and thanked staff for its efforts.

In response to Council Member Hansen, Mr. Hatch stated there is a lack of institutional knowledge because none of the current staff were involved with project. He stated the proposed consultant was a part of the original team, although not the primary drafter. Mr. Hatch stated current staff does not have the benefit of reasoning and is looking at the current draft without any background information. Mr. Hatch stated the contract staff is needed to get the Code adopted in a timely manner, prepare the documentation for the hearing processes, break and review sections of the Code on a meeting by meeting basis, record and incorporate comments by the stakeholders, Planning Commission, and City Council, and teach current staff about the draft in the process to create the knowledge in-house.

Mayor Johnson suggested moving forward on the draft Development Code as is without research by the consultant.

Deputy City Manager Krueger stated a variety of issues will need to be explored, including whether or not to adopt in full, or partially, the proposed Development Code, contract staff versus in-house staff, funding, specific elements of the Zoning Code, and issues that have come up since the draft was produced, such as tent sales.

In response to Council Member Hansen, Mr. Hatch and Mr. Pirnejad stated they have experience in doing Code amendments section by section, rather than as a whole document, which is highly time intensive.

Council Member Hitchcock stated someone in-house needs to be familiar with the Code and get it through the review process.

City Attorney Schwabauer briefly described the process associated with legal non-conforming uses in the Development Code and stated every use in the Code needs to be thought out completely and carefully.

Discussion ensued between the Council and Mr. Hatch regarding staff's ability to do the Code in-house and the background knowledge associated with the same.

Deputy City Manager Krueger stated the item will be reviewed and staff will bring back options for Council consideration in the near future.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 7:44 a.m.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Review Status of the Development Code Update

MEETING DATE: February 13, 2007

PREPARED BY: Community Development Director, Randy Hatch

RECOMMENDED ACTION: Review status of the Development Code Update

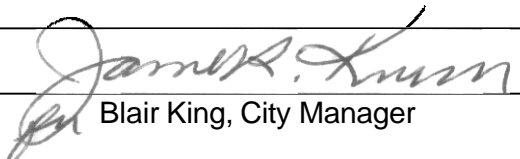
BACKGROUND INFORMATION: Back in January of 1999, the City entered into a contract with the firm of Crawford, Multari & Clark, Associates for a major revision of the City's Zoning Ordinance. The contract was for the amount of \$111,780.00 and was for the preparation of a new development code to replace the City's current Zoning Ordinance.

One of the basic issues that triggered the need for a new Development Code is the age of the existing Zoning Ordinance. The existing document was adopted in the mid-1950s and was the City's first comprehensive zoning ordinance. Because of the age of the document, some of the concepts and standards were out of date. Regulations related to development standards including setbacks, densities, lot coverage, etc. that worked 50-years ago did not relate as well to current development practices. Additionally, amendments have been made to various sections of the ordinance over the years to try to address specific planning and zoning issues as well as conform to changes in state law. These changes have created internal inconsistencies in the ordinance and have made it increasingly difficult for City staff and the public to utilize the current zoning ordinance. Lastly, the zoning ordinance has certain inconsistencies with the City's current General Plan, which was adopted in 1991, and this can create confusion in the interpretation of the standards for development.

The consultants began the process of preparing a new Development Code shortly after being awarded the contract. They worked with City staff and the Planning Commission to determine what the City wanted in a new Development Code, and what issues or problems the City had with the existing Zoning Ordinance. One of the early directions they received from the City was to prepare a document that would retain some semblance with the current zoning code and one that would not be a radical departure from the current zoning practices. This was done for a number of reasons. First, the City did not want to make radical changes that would result in major portions of the City's existing uses or buildings becoming nonconforming or in major conflict with the new ordinance. Second, the City wanted to maintain a development pattern that would still be compatible with existing development in the City, particularly residential development. The City was looking for a Development Code that was more evolutionary as opposed to revolutionary in nature. The City hoped to update and upgrade the ordinance while still retaining development concepts that have made Lodi a special place.

Based on this direction, the consultants went through the existing zoning ordinance chapter by chapter and suggested changes or ways to improve the document. This included greatly expanding and updating the list of definitions; adding numerous tables and illustrations to help explain zoning and planning concepts; changing or adding regulatory standards to address current development issues faced by the

APPROVED:


Blair King, City Manager

City; and reorganizing the document to make it easier to comprehend and making it more user-friendly. Additionally, the document codifies procedural issues to help the public navigate the sometimes complex planning and zoning process.

City staff reviewed these suggestions and added their own comments and ideas. Following numerous reviews and rewrites, the consultants prepared a series of draft chapters of the document for review by the City. The individual chapters were brought before the Planning Commission for their input and suggestions over a period of a year or so. Based on the Planning Commission's discussions, their ideas and suggestions for changes were incorporated into the document. Finally, a preliminary draft Development Code was being prepared by the consultant in 2003. City staff was in the process of conducting a final review of the draft Development Code and working on a program to begin a public review and discussion process prior to the eventual adoption of the document by the Planning Commission and the City Council. At this stage of the process, the City decided to temporarily halt the project and stop further work on the new Development Code accounting for approximately 60% of the entire project scope and approximately \$67,068 of the entire project budget.

The reason for suspending the work was two-fold. First, the City was in the middle of a hiring freeze and was experiencing serious staffing shortages, compounded by the departure of some key departmental staff. Because of a shortage of staff, staff determined that they could not deal with both this project and the other day to day workload that required staffs attention. Second, during this same period, the City was experiencing significant budgetary constraints and it determined that the City's limited resources could be better spent on other projects. The City decided to temporarily halt further work on the new Development Code and eventually cancelled the contract with Crawford/Multari sometime in 2004. When the contract was terminated, the consultants had only spent approximately 60% of the budget. The remaining 40% or \$44,712 was reallocated back to the City's General Fund.

Fundamentally, if the process were to have continued, the next steps would be to conduct the public review process and reflect subsequent changes into a final Development Code. That copy would undergo an environmental review process to insure its consistency with the General Plan and an Initial Study/Negative Declaration would most likely be prepared, circulated, and recorded. The final steps would be accepting the Negative Declaration as adequate environmental documentation and adopting the new Development Code.

During the first part of 2006, staff reconnected with Crawford Multari and Clark Associates in an effort to determine the status of the project and revive the process. Shortly after receiving the Preliminary Draft Development Code staff experienced another setback as one of the most experienced staff members left to pursue other employment opportunities. The staff shortage coupled with an exceeding work load in current and advanced planning left the remaining staff with a deficit in manpower and a list of higher priority projects. Recent discussions with both the City Council and the Planning Commission have resulted in indications that there may be a desire to once again move forward with the preparation and adoption of this new Development Code.

ANALYSIS

At this point in order for staff to determine how to proceed with the Development Code it is imperative that there be a clear understanding of the original goals, intent and direction of the efforts that led to the most current rendition of the Development Code.

Upon consulting with Crawford, Multari & Clark and their sub-consultants Jacobson and Wake, staff has determined that the most technical aspects of preparing the Development Code have been completed and what aspects remain are more time and manpower intensive. The process to take the Development Code from its current form to adoption would require staff to get an understanding of what went into the code up to this point. This would include entering into contract with Jacobson and Wake to provide staff with some institutional knowledge and direction related to the process that lead to this point. The next step would be to secure an extension of staff that would be committed to champion this rigorous process of: organizing, holding and recording public meetings; working with Jacobson and Wake to incorporate

their comments into the Development Code; Insuring that said revisions were prepared to the City's satisfaction; complete, circulate and record the required environmental documentation; and prepare the entire packets for review and approval by the Planning Commission and eventually the City Council. Jacobson and Wake have suggested a lead sub-consultant (Diane Smith) that has relevant experience in this area who has expressed interest in seeing this process to its conclusion.

Staff would take steps toward re-allocating the unused portion of the \$111,780 originally budgeted for this project or \$44,712, to promote two efforts; the first would be to contract with Jacobson and Wake to assist the City in delivering the background, institutional knowledge and a final adoptable version of the Development code; the second would be to solicit Diane Smith to advance the Development Code review process through to adoption by the City Council.



Randy Hatch, Community Development Director

RH/dm/kc

Development Code Update

Shirt Sleeve Session
Tuesday, February 13, 2007

History

- Current Code adopted in the 1950
- Over time Dev Code became inconsistent with GP and State Law
- January 1999 City entered into contract with Crawford, Multari & Clark (CMC) for \$111,780 to update Dev Code
- The city determined early on that they wanted evolutionary vs. revolutionary approach to avoid "Legal Nonconforming" uses
- CMC started review Existing Code by interviewing staff officials and stakeholders
- CMC reviewed GP and other document

History cont...

- CMC reviewed consistency of current Code with local, state, and federal laws and made changes
- CMC prepare individual chapters of the Development Code for staff and Planning Commission's review and comments
- Staff was in the process of finalizing comments to the Chapters so CMC could deliver an Administrative Draft for public review
- Staff was in the process of developing a public review process that would lead to the eventual adoption by the Planning Commission and City Council
- At this point 60% of work complete or approximately \$67,000
- Majority of technical and consultant heavy work complete

A change in plan...

- The City decided to put a hold on the Development Code update because:
 - City was in the middle of a hiring freeze and was experiencing staffing shortages
 - Departure of some key departmental staff required a shift in priorities to ensure current planning did not suffer
 - Due to budgetary constraints City decided to put a temporary halt on the contract and eventually they reallocated the monies back to the General Fund

What is left

- Prepare a public review process that delivers the Development Code to the public form in bite size pieces that can be reviewed and commented on.
- Suggested changes need to be reviewed by staff and consultant and incorporated in the Development Code
- Final Version of Development Code needs to be prepared by consultant
- An initial study and proper environmental documentation prepared (~Mit. Neg. Dec.)
- Environmental Documentation and Final Development Code Ordinance needs to be brought to the City Council for approval which includes first and second reading.

What is needed to get us there

- Secure a consultant team that can
 - Provide staff with institutional knowledge and direction related to the process that lead to this point.
 - Include changes in the Development Code that reflect local, state, and federal law since 2003 when the process was halted.
 - Secure an extension of staff that can champion this process through the public review process and eventually to Planning Commission and City Council for review and approval.
 - Ensure that changes proposed during the public review process are properly incorporated into the Development Code.

Thoughts on how to get us there

- CMC not accepting any new contracts
- Jacobson & Wake (J&W) played a key role in original update team.
- Potentially secure J&W to complete the update
- To ensure update moves forward now, identify and secure an extension of staff that is experienced in following a process like this to completion (like Diane Smith)
- Allocate the remaining unused 40% (approximately \$45,000) to complete the work.